B5

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,097	03/29/2001	Joan Phillips Waldron	03456-P0001B	2224

7590 08/25/2004

Jeffrey B Trattner
Ellis & Trattner PC
PO Box 2298
27 Mill Plain Road
Danbury, CT 06813-2298

EXAMINER	
CHIANG, JACK	

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/821,097	WALDRON ET AL.	
	Examiner	Art Unit	
	Jack Chiang	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,9-12,14,15,17-20 and 23-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *3,10,11,14,15,17-20,23 and 26* is/are allowed.

6)☒ Claim(s) *9,12,24 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lafrance et al. (US 4697283).

Regarding claim 24, Lafrance shows:

A hearing aid and its inductive coil (hearing aid, see Abstract);

A telephone handset having a receiver section (10) which includes a speaker coil (29);

A coupler coil (20) connected in series (see Abstract) with the speaker coil (29) and disposed inside the receiver section (10) to generate electromagnetic field in response to the audio signals (21), the electromagnetic field being inductively coupled to the inductive coil inside the hearing aid (hearing aid, see Abstract).

Regarding claim 25, Lafrance shows:

A telephone handset (11);

Signal receiving means having an output (connected to 21);

An audio speaker having a coil (in 29) disposed within the telephone handset (11) and electrically connected to the output of the signal receiving means (21); Inductive means (20) connected in series (see Abstract) with the speaker coil (29) for producing an electromagnetic field responsive to the output of the signal receiving means (21) that may be inductively coupled to a second inductive means (hearing aid in Abstract) outside of the telephone handset (11).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taenzer et al. (US 6438245) in view of Rydbeck (US 5590417).

Regarding claim 24, Taenzer shows:

A hearing aid and its inductive coil (112, 114);

A telephone having a receiver section (102) which includes a speaker coil (508);

A coupler coil (504) connected in series with the speaker coil (508) and disposed inside the receiver section (102) to generate electromagnetic field in response to the audio signals, the electromagnetic field being inductively coupled to the inductive coil (114) inside the hearing aid (112).

Taenzer differs from the claimed invention in that it is a telephone but does not explicitly state that it is a telephone handset.

However, Taenzer does use the term "earpiece" which has a telephone or two-way communication function, although the term "handset" was not used, however, the term "earpiece" is often used to describe a handset or a headset. Hence, if it is found that Taenzer's earpiece is not a handset, then it would have been obvious for one or ordinary skill in the art to apply Taenzer's earpiece in the handset/headset environment with/without the teaching of Rydbeck, because the term "earpiece" is commonly used to describe a part of the earpiece in the handset, or it can also be considered as an intended used of Taenzer's earpiece in the handset earpiece.

Regarding claim 25, Taenzer shows:

A telephone (102);

Signal receiving means having an output (106 in figs. 1a, 5a);

An audio speaker having a coil (in 508) disposed within the telephone (102) and electrically connected to the output of the signal receiving means (106);

Inductive means (504) connected in series with the speaker coil (508) for producing an electromagnetic field responsive to the output of the signal receiving means (106) that may be inductively coupled to a second inductive means (114) outside of the telephone handset.

Taenzer differs from the claimed invention in that it is a telephone but does not explicitly state that it is a telephone handset.

However, Taenzer does use the term "earpiece" which has a telephone or two-way communication function, although the term "handset" was not used,

however, the term "earpiece" is often used to describe a handset or a headset. Rydbeck teaches providing a handset/headset (fig. 2a) having an earpiece. Hence, if it is found that Taenzer's earpiece is not a handset, then it would have been obvious for one or ordinary skill in the art to apply Taenzer's earpiece in the handset/headset environment with/without the teaching of Rydbeck, because the term "earpiece" is commonly used to describe a part of the earpiece in the handset, or it can also be considered as an intended used of Taenzer's earpiece in the handset earpiece.

5. Claims 9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lafrance or the combination of Taenzer et al. and Rydbeck in view of Kobayashi (JP 363102495).

Regarding claims 9 and 12, Lafrance or the combination of Taenzer et al. and Rydbeck shows the coupler coil (20 in Lafrance; 504 or 104 in Taenzer). Lafrance or the combination of Taenzer et al. and Rydbeck differs from the claimed invention in that it does not show the coupler coil in a rectangular form mounted on a carrier disc.

However, Kobayashi teaches providing a coupler coil in a rectangular form mounted on a carrier disc (2, 7).

Hence, it would have been obvious for one of ordinary skill in the art to adapt Kobayasi's coil mounting in Lafrance or the combination of Taenzer. This simply can be dictated by the design of the speaker or the handset. In fact, whether the

coil is in a rectangular form or other shapes (such as 20 in Lafrance) should not change the basic concept of Lafrance's or Taenzer's inductive pick up.

6. Claims 3, 10-11, 17-20, 14-15, 23 and 26 are allowed over the prior art of record because the series connection of the capacitor with the coil in the handset and hearing aid coupling environment.

ARGUMENT

7. In response to the remarks filed on 06-28-04, Kobayashi and its combination are withdrawn. Therefore, no further discussion is made regarding the Kobayashi reference. Argument is answered in the rejections above, see comments above.

8. Applicant's arguments with respect to claims 24-25, 9 and 12 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack Chiang
Primary Examiner
Art Unit 2642